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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,396	08/30/2001	Sylvia Halasz	2000-0249	9706
7590	06/15/2005		EXAMINER	
Samuel H. Dworetsky AT&T CORP. P.O. Box 4110 Middletown, NJ 07748-4110			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,396	HALASZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Courtney D. Fields	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>30 August 2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-51 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuba et al. (US Patent No. 6,725,378).

Referring to the rejection of claims 1,13, 20, 23-24, and 31, Schuba et al. discloses a method of protecting a host device from a disruptive event, comprising the steps of:

receiving a first request from a client for starting a first data connection,  
receiving a second request from the client for starting a second data connection,  
determining whether the first request and the second request have arrived at the host device within a predetermined time interval, the predetermined time interval being based on a probability distribution function of the arrival times of previous requests for starting data connections received at the host device from a given originating location and responsive to the step of determining, denying the second data connection

to the client (See Column 3, lines 46-67, Column 4, lines 1-17, and Column 11, lines 39-49)

Referring to the rejection of claims 2,21, and 32, Schuba et al. discloses the claimed limitation wherein the step of denying further comprises the step of preventing transmission of a synchronize message to the client (See Column 4, lines 52-67)

Referring to the rejection of claims 3 and 33, Schuba et al. discloses the claimed limitation wherein the step of storing the first request from the client (See Column 7, lines 34-49)

Referring to the rejection of claims 4 and 34, Schuba et al. discloses the claimed limitation wherein the step of storing an originating address of the client (See Column 4, lines 30-51)

Referring to the rejection of claims 5 and 35, Schuba et al. discloses the claimed limitation wherein the step of calculating a difference value in the arrival times of the first request and second request at the host device for comparing the difference value to the predetermined time interval (5, lines 14-57)

Referring to the rejection of claims 6 and 36, Schuba et al. discloses the claimed limitation wherein the step of transmitting a signal to a network control center for taking corrective action against the client (See Column 8, lines 18-33)

Referring to the rejection of claims 7,37, 41, and 49, Schuba et al. discloses the claimed limitation wherein the step of barring the client access to the host device by downloading from the network control center appropriate commands to the server and

appropriate commands to specific switching devices in the network (See Column 6, lines 46-67, Column 7, lines 1-9)

Referring to the rejection of claims 8,38,42,50, and 51 Schuba et al. discloses the claimed limitation wherein the step of signaling the host device to shut down and the step of sending commands from the network control center to one or more standby servers to take over the processing functions performed by the host device that was shut down (See Column 5, lines 30-36)

Referring to the rejection of claims 9,22, 39, and 43 Schuba et al. discloses the claimed limitation wherein the step of proceeding with establishment of the second data connection if the first request and the second request have arrived at the host device outside of the predetermined time interval (See Column 4, lines 1-29)

Referring to the rejection of claim 10, Schuba et al. discloses the claimed limitation wherein the step of transmitting a synchronize message to the client (See Column 4, lines 1-17)

Referring to the rejection of claim 11, Schuba et al. discloses the claimed limitation wherein the step of storing an originating address of the client and the arrival time of the second request (See Column 5, lines 44-57)

Referring to the rejection of claim 12, Schuba et al. discloses the claimed limitation wherein the disruptive event is a flooding attack (See Column 5, lines 60-64)

Referring to the rejection of claims 14,25, and 45 Schuba et al. discloses the claimed limitation wherein the step of denying the request comprises preventing

transmission of a synchronizing message to the originating address (See Column 5, lines 64-67, Column 6, lines 1-23)

Referring to the rejection of claims 15,26, and 46 Schuba et al. discloses the claimed limitation wherein the step of saving the originating address and the arrival time of the initializing request (See Column 4, lines 30-51)

Referring to the rejection of claims 16,27, and 47 Schuba et al. discloses the claimed limitation wherein the step of denying the request further comprises closing a connection for the data transmission session (See Column 9, lines 16-32)

Referring to the rejection of claims 17,28, and 48 Schuba et al. discloses the claimed limitation wherein the step of calculating a difference value in arrival times of the initializing request and the previously received initializing request from the originating address (See Column 10, lines 10-67)

Referring to the rejection of claims 18 and 29, Schuba et al. discloses the claimed limitation wherein the step of transmitting a signal to a network control center responsive to the step of denying (See Column 11, lines 66-67, Column 12, lines 1-14)

Referring to the rejection of claims 19 and 30, Schuba et al. discloses the claimed limitation wherein the step of monitoring a plurality of data packets arriving at the host device so as to generate a probability distribution of the arrival times of a plurality of initializing requests from the originating address (See Column 9, lines 63-67, Column 10, lines 1-9)

Referring to the rejection of claims 40 and 44, Schuba et al. discloses a method of protecting a host device from a flooding event, comprising the steps of:

receiving a first request from a client for starting a first data connection

receiving a second request from the client for starting a second data connection

determining whether the first request and the second request have arrived at the host device within a predetermined time interval, the predetermined time interval being based on a probability distribution function of the arrival times of previous connection establishment requests received at the host device

and responsive to the step of determining, signaling a network control center

(See Column 3, lines 34-67 and Column 4, lines 1-17)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MOJ  
cdf  
June 12, 2005

*Matthew B. Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2137*